United Nations A/HRC/RES/37/8

General Assembly

Distr.: General
9 April 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 22 March 2018

37/8. Human rights and the environment

The Human Rights Council,

Reaffirming all its resolutions on human rights and the environment, the most recent of which is resolution 34/20 of 24 March 2017, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling its resolutions 5/1, on institution-building of Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling further the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, and its outcome document entitled "The future we want",[1] which reaffirmed the principles of the Rio Declaration on Environment and Development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the outcomes of the third session of the United Nations Environment Assembly, and looking forward to the fourth session, to be held in Nairobi from 11 to 15 March 2019,

Recalling also the Paris Agreement, adopted under the United Nations Framework Convention on Climate Change, in which the parties acknowledged in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

[1] General Assembly resolution 66/288, annex.

GE.18-05517(E)
1805517

Please recycle

Taking note of the outcomes of the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, and encouraging States to consider, among other aspects, respect for and the promotion of human rights at the twenty-fourth session, to be held in Katowice, Poland from 3 to 14 December 2018,

Recognizing that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

Recognizing also that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations,

Recognizing that the exercise of human rights, including the freedom to seek, receive and impart information, to participate effectively in the conduct of government and public affairs and the right to an effective remedy, is vital to the protection of a clean, healthy, safe and sustainable environment,

Recognizing also the important role played by human rights defenders in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, and deeply concerned that human rights defenders addressing environmental issues and corporate responsibility are among the human rights defenders most exposed and at risk,

Recognizing further the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in safeguarding the environment,

Recognizing the particular vulnerability of children to the effects of environmental harm, including to air pollution, water pollution, climate change, exposure to chemicals, toxic substances and waste, and loss of biodiversity, and that environmental harm may interfere with the full enjoyment of a vast range of the rights of the child,

Reaffirming that States have the obligation to respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment,[2] and that additional measures for those who are particularly vulnerable to environmental harm should be taken,

Noting that more than 100 States have recognized some form of a right to a healthy environment in, inter alia, international agreements, their constitutions, legislation or policies,

1. *Welcomes* the work undertaken by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, his thematic reports, and the undertaking of regional country visits;

[2] A/HRC/37/59, annex.

2. *Takes note with appreciation* of the report of the Special Rapporteur on the relationship between children's rights and environmental protection,[3] in which he examined the increasing international attention to the relationship between children's rights and the environment, the severe effects of environmental harm on the rights of children, human rights obligations relating to children's rights in the environmental context, the relationship of future generations and children's rights, and makes recommendations aimed at increasing respect, protection and fulfilment of the rights of children in relation to the environment;

3. *Also takes note with appreciation* of the report of the Special Rapporteur, in which he presented his framework principles on human rights and the environment for the consideration of States, international organizations, civil society organizations and business enterprises,[4] and calls upon States to implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

4. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

5. *Also welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur and in helping to clarify the relationship between human rights and the environment, and contributing to the implementation of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

6. *Decides* to renew the mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years;

7. *Requests* the Special Rapporteur, in fulfilling the mandate:

(a) To continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and the United Nations Development Programme, and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions;

(b) To continue to identify, promote and exchange views on good practices relating to human rights obligations and commitments that inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and in that regard to disseminate and consider updating documents elaborated by the previous mandate holder, as appropriate;

(c) To promote and report on the realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, taking into account the reports and documents produced by the previous mandate holder, and to disseminate his or her findings by, inter alia, continuing to give particular emphasis to practical solutions with regard to their implementation;

(d) To work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and protection gaps thereto, including in the context of sustainable development;

(e) To continue to contribute to and participate in, where appropriate, intergovernmental conferences and meetings relevant to the mandate, including at the United Nations Environment Assembly;

[3] A/HRC/37/58.
[4] A/HRC/37/59.

(f) To develop a dialogue, liaise and collaborate with all relevant stakeholders with a view to enhancing public awareness of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(g) To conduct country visits and to respond promptly to invitations from States;

(h) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities, and addressing good practices where women and girls act as agents of change in safeguarding and managing sustainably the environment;

(i) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies, funds and programmes, including the United Nations Environment Programme and the United Nations Development Programme, the treaty bodies and international and regional organizations, and multilateral environmental agreements, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(j) To submit an annual report, including conclusions and recommendations, to the Human Rights Council and to the General Assembly;

8. *Calls upon* all States, United Nations agencies, funds and programmes, other international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Special Rapporteur, including by providing all necessary information related to the mandate to enable him or her to fulfil the mandate;

9. *Requests* the High Commissioner to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

10. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(a) To convene, prior to the forty-third session of the Human Rights Council, an expert seminar on experience and best practices of States at the national and regional levels with regard to human rights obligations relating to the environment, and on the contribution of relevant actors, including the Special Rapporteur, in this regard;

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations and treaty bodies, to participate actively in the seminar;

(c) To invite relevant experts of United Nations agencies, funds and programmes, other international organizations and conventions to participate in the seminar;

(d) To submit to the Human Rights Council, at its forty-third session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

11. *Stresses* the need for enhanced cooperation among States, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

12. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

53rd meeting
22 March 2018

[Adopted without a vote.]

United Nations A/HRC/RES/37/9

General Assembly

Distr.: General
9 April 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 22 March 2018

37/9. Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 34/10 of 23 March 2017, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat, Morocco on 5 October 2012,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

GE.18-05518(E)
1805518

Please recycle

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, and at instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(d) Instances that, both in law and in practice, constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(f) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all,

without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention, on that account, and to bring to justice all perpetrators of violations of these rights;

(d) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(e) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(f) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(h) To ensure in particular the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(k) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(l) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur,[1] in which he analysed the relationships between State and religion and their impact on the right to freedom of religion or belief, and the recommendations therein;

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit their countries, and to provide him with all the information necessary to enable him to fulfil the mandate even more effectively;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

17. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

18. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

53rd meeting
22 March 2018

[Adopted without a vote.]

---

[1] A/HRC/37/49.